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AIR

SOA 13917

DESENSITIZED

JAN 23 54

Chief of Mission, Frankfurt

Attn: RUDECK/CART/Menich

Chief, SR

RUDECK/CART/REBATH

CAPLIN Migration to the U.S.

REFERENCE: DIR 37799

1. As stated in DIR 37799, it would be far preferable if the CAPLINS would postpone their arrival in the U.S. until such time as they actually plan to stay. If the CAPLINS are adamant and can not be dissuaded, plan 2b in SOA 8953 appears preferable to plan 2a, particularly if CAPLIN can obtain an invitation from a church group and can explain having the money necessary for one or two round trips to the U.S. For plan 2b, CAPLIN and his wife would be issued visitors' visas and re-entry permits to Germany, and would be granted permanent resident status covertly while in the U.S. CAPLIN, as a KUBARK employee, could return to Germany at any time thereafter and count as residence in the U.S. all the time spent abroad. He would, however, be required to be physically resident in the U.S. for one continuous year before becoming eligible for citizenship papers. CAPLIN's wife, as a non-KUBARK employee, would not lose her permanent resident status, but would have to recommence her five year residence period if she remained outside the U.S. for one year or more after obtaining her permanent resident status. Only aliens employed by the U.S. Government, by organizations like R.F.E., or by commercial companies engaged in foreign trade, are permitted to count residence abroad as residence in the U.S. Only KUBARK-employed aliens are permitted to count residence abroad as residence in the U.S. without spending one continuous year in the U.S. first. Therefore, even if CAPLIN's wife were to become an employee of the U.S. Government, unless she became a KUBARK employee she would have to spend one year in the U.S. before rejoining CAPLIN abroad in order to have her residence abroad count. Dollar contracts are illegal and could not be used as nominal government employment.

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2. There are two objections to plan 2b. The first is that as an alien, it would be unusual for CAPLIN to obtain permission for visitors' visas and to have the money for two round-trip tickets to the U.S. Even if these circumstances could be satisfactorily explained, it does not seem possible that CAPLIN would continue to have the same relations with other emigres if it were known that he had been in the U.S.A. or that his wife was remaining there for a prolonged visit. This would be particularly true vis-a-vis those people to whom he has expressed anti-American sentiments. It therefore seems preferable to us to have the CAPLINS avoid arousing emigre curiosity and queries by visiting the U.S. block. CAPLIN's wife would not then be able to have her time abroad count towards her re-licence, as pointed out in paragraph 1, she wouldn't anyway unless she first remained in the U.S. for a full year and then became an employee in one of the three categories listed in paragraph 1. However, CAPLIN's wife would have the assurance of having registered, and of having seen her re-entry card with her own eyes (although MOE would probably want to keep this in a safe for her). This assurance may be what CAPLIN's wife wants more than actual progress towards citizenship. CAPLIN's time in Europe would count towards his citizenship, however, and after he became a citizen CAPLIN's wife's required time in the U.S. would be cut to three instead of five years of residence. The CAPLINS could be brought to the U.S. under assumed names on an EMULETOR flight (which would be more secure than a MAT flight). In order to register covertly, they would be required to sign certain papers, but would only have to appear at one office in order to be fingerprinted. They would be kept in one file in the secret section of the Immigration and Naturalization office. The KUBARK section which makes arrangements for covert registration reports that there has been no known case of an agent being blown through this procedure, and that the process can be completed within a week. It should be much simpler for the CAPLINS to explain a week's absence from Munich than to explain a prolonged visit to the U.S. on visitor's visas.

3. There is one objection to any plan for CAPLIN's emigration which involves his leaving the U.S. prior to one year after registering for permanent resident status. This objection does not, however, become extant until after CAPLIN becomes a citizen. At that time anyone who examined his naturalization records, which would become public after he obtained citizenship, could learn that he had become a citizen without fulfilling the usual residence requirements. Anyone who was very well informed on the subject of immigration might know that he could not have avoided a year's residence in the U.S. prior to going abroad unless he were a KUBARK employee.

Distribution:

2 Munich
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1 SR3 (WA)
1 RI (retained in SR3/WA)
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